

Message Text

CONFIDENTIAL

PAGE 01 BONN 08039 01 OF 02 290650Z
ACTION EUR-12

INFO OCT-01 ISO-00 PM-05 NSC-05 SP-02 SS-15 CIAE-00
DODE-00 INR-10 NSAE-00 PA-01 ICA-11 CA-01 HA-05
L-03 /071 W
-----107294 290735Z /10

R 281910Z APR 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC 8174
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USBERLIN
USMISSION USNATO

C O N F I D E N T I A L SECTION 01 OF 02 BONN 08039

E.O. 11652: GDS
TAGS: PGOV, BQG, CGEN
SUBJECT: PLANNED FRG DEMARCHE DURING BREZHNEV VISIT ON
FRG CONSULAR SERVICES FOR WEST BERLINERS

BEGIN SUMMARY: DURING THE BREZHNEV VISIT TO BONN, THE
FRG HOPES TO PERSUADE THE SOVIETS TO DROP THEIR REFUSAL
TO PERMIT THE FRG EMBASSY IN MOSCOW TO PROVIDE CONSULAR
SERVICES FOR WEST BERLINERS NOT PHYSICALLY PRESENT IN
THE SOVIET UNION, E.G. PROCURING COPIES OF
BIRTH CERTIFICATES.

ALTHOUGH THE SOVIET REFUSAL DOES NOT AFFECT MANY
FRG CITIZENS, THE FACT THAT THE GDR FOLLOWS THE SOVIET
LEAD IN THIS MATTER HAS RESULTED IN PRACTICAL DIFFI-
CULTIES FOR WEST BERLINERS IN A LARGER NUMBER OF CASES.
THE FRG WANTS THE SOVIET UNION TO MAKE A STATEMENT TO
THE EFFECT THAT IT HAS NO OBJECTION TO THE PROVISION
OF SUCH SERVICES. SINCE THE STATEMENT ENVISIONED BY THE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 08039 01 OF 02 290650Z

FRG CONTAINS A REFERENCE TO THE QUADRIPARTITE
AGREEMENT, THE FRG HAS PRESENTED IT TO THE BONN GROUP FOR
ALLIED COMMENTS. ACTION REQUESTED: DEPARTMENTAL
APPROVAL ON AN URGENT BASIS OF THE DRAFT STATEMENT IN
PARA 4 INFRA AND ITS METHOD OF USE. END SUMMARY

1. AT THE APRIL 25 BONN GROUP MEETING, THE FRG REP

(VON RICHTHOFEN) REPORTED THAT THE FRG HAS BEEN CONCERNED FOR SOME TIME ABOUT THE RESTRICTIVE SOVIET INTERPRETATION OF THE QA PROVISION THAT THE FRG MAY PERFORM CONSULAR SERVICES FOR PERMANENT RESIDENTS OF WEST BERLIN. THERE HAVE BEEN NO DIFFICULTIES WHEN WEST BERLINERS PHYSICALLY PRESENT IN THE USSR HAVE REQUIRED CONSULAR ASSISTANCE, BUT THE SOVIET UNION HAS NOT ALLOWED THE FRG TO PERFORM CONSULAR SERVICES FOR BERLINERS NOT PRESENT IN THE USSR. THIS TYPE OF SERVICE, CALLED "FERNBETREUUNG" (LITERALLY "TELE-CARE"), IS COMMON FRG PRACTICE; IT INCLUDES, FOR EXAMPLE, THE PROCUREMENT OF BIRTH CERTIFICATES AND THE HANDLING OF INHERITANCE QUESTIONS. THE SOVIETS HAVE INSISTED THAT WEST BERLINERS SHOULD TURN TO THE SOVIET CONSULATE GENERAL IN WEST BERLIN FOR THIS TYPE OF SERVICE.

2. VON RICHTHOFEN SAID THAT IN PRACTICE ONLY A FEW WEST BERLINERS ARE AFFECTED BY THE SOVIET POLICY. UNFORTUNATELY, HOWEVER, ALL OF THE WARSAW PACT STATES, INCLUDING THE GDR, APPLY THE SOVIET INTERPRETATION. THE FRG PERMANENT REPRESENTATION IN EAST BERLIN IS THUS NOT ABLE TO ACT ON BEHALF OF THE VERY LARGE NUMBER OF WEST BERLINERS WHO WANT THIS TYPE OF SERVICE. IT HAS BECOME A NAGGING POLITICAL PROBLEM FOR THE FRG.

3. VON RICHTHOFEN SAID THAT CHANCELLOR SCHMIDT RAISED
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BONN 08039 01 OF 02 290650Z

THE PROBLEM WITH GDR LEADER HONECKER AT THE CSCE IN HELSINKI. HONECKER SAID HE HAD NO OBJECTIONS TO FRG HANDLING OF THESE CASES, BUT THE GDR WOULD NOT FOLLOW A PRACTICE DIFFERENT THAN THAT OF THE SOVIET UNION. VON RICHTHOFEN ADDED THAT, FOR A FEW MONTHS AFTER THE FRG AND GDR ESTABLISHED RELATIONS, THE GDR HAD ALLOWED THE FRG TO REPRESENT THESE CASES. SHORTLY AFTERWARDS, HOWEVER, THE GDR BEGAN TO FOLLOW SOVIET PRACTICE.

4. IN AN ATTEMPT TO SOLVE THE PROBLEM, VON RICHTHOFEN SAID, THE FRG PLANS TO RAISE IT WITH THE SOVIETS DURING BREZHNEV'S IMPENDING VISIT. THE FRG WILL ASK THE SOVIETS TO MAKE THE FOLLOWING STATEMENT: "WITH REFERENCE TO THE RELEVANT DISCUSSIONS HELD ON THE SUBJECT, I DECLARE THAT, IN CONFORMITY WITH SECTION 2(A) OF ANNEX IV A AND B OF THE QA, THERE WILL BE NO DIFFICULTIES IN THE FUTURE IN THE EXERCISE OF CONSULAR SERVICES FOR PERSONS WITH PERMANENT RESIDENCE IN BERLIN (WEST) WHEN THOSE TO BE SERVED ARE NOT PHYSICALLY PRESENT IN THE TERRITORY OF THE SOVIET UNION."

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 BONN 08039 02 OF 02 290730Z
ACTION EUR-12

INFO OCT-01 ISO-00 PM-05 NSC-05 SP-02 SS-15 CIAE-00
DODE-00 INR-10 NSAE-00 PA-01 ICA-11 CA-01 HA-05
L-03 /071 W

-----107923 290735Z /23

R 281910Z APR 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC 8175
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USBERLIN
USMISSION USNATO

C O N F I D E N T I A L SECTION 02 OF 02 BONN 08039

5. VON RICHTHOFEN ESTIMATED THAT THERE WAS A REASONABLE CHANCE THE SOVIETS WOULD AGREE TO THE STATEMENT. HE EXPLAINED THAT IN MAY 1974 AMBASSADOR FALIN TOLD GENSCHER THE USSR WOULD BE WILLING TO MAKE AN "ORAL STATEMENT" THAT THE SOVIETS WOULD NOT OBJECT TO FRG PROVISION OF SUCH SERVICES. FALIN INDICATED, HOWEVER, THAT THIS WAS DEPENDENT ON AN FRG DECISION NOT TO LOCATE THE FEDERAL ENVIRONMENTAL AGENCY IN WEST BERLIN. THE FRG DID LOCATE THE FEA IN WEST BERLIN, AND THE SOVIET UNION DID NOT CHANGE ITS RESTRICTIVE POLICY. VON RICHTHOFEN NEVERTHELESS INTERPRETED THE FACT OF THE SOVIET OFFER OF A STATEMENT AS VALUABLE; IT PROVED THAT THE SOVIETS HAVE NO OBJECTIONS IN PRINCIPLE UNDER THE QA TO SUCH SERVICE.

6. VON RICHTHOFEN SAID ANOTHER DISCUSSION HAD ENCOUR-
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 08039 02 OF 02 290730Z

AGED THE FRG. IN MAY 1977 THE HEAD OF GERMAN AFFAIRS IN THE SOVIET MFA, BONDARENKO, TOLD STATE SECRETARY VAN WELL THAT THE SOVIETS WERE WILLING TO CONSIDER THE FRG POSITION, BUT AT A LATER TIME, POSSIBLY EVEN IN 1977.

7. VON RICHTHOFEN NOTED THAT THE DRAFT STATEMENT CONTAINS A REFERENCE TO THE QA. HE RECALLED THAT THE ALLIES ROUTINELY REJECT THE ATTEMPTS OF NON-SIGNATORIES TO THE QA, USUALLY THE GDR, TO COMMENT ON THE PROVISIONS OF THAT AGREEMENT. IN THIS CASE, ANOTHER NON-SIGNATORY, THE FRG, WOULD BE TRYING TO PERSUADE THE SOVIET UNION TO MAKE A STATEMENT CONTAINING A REFERENCE TO THE QA. THE FRG, HOWEVER, DID NOT REGARD THE STATEMENT AS A RE-INTERPRETATION OF THE QA, BUT MERELY AS A CLARIFICATION. HE ASKED THAT THE ALLIES COMMENT AS SOON AS POSSIBLE ON THE COURSE THE FRG PROPOSES TO PURSUE.

8. COMMENT: THE QUESTION OF SOVIET RESTRICTIVENESS IN THIS QUESTION IS ESSENTIALLY A BILATERAL POLITICAL PROBLEM BETWEEN THE FRG AND THE SOVIET UNION. MANY COUNTRIES DO NOT NORMALLY PROVIDE "FERNBETREUUNG" SERVICES TO THEIR CITIZENS, BUT IN EFFECT ADVISE THEM TO FOLLOW WHAT IS THE SOVIET POLICY IN THIS CASE--TO WORK THROUGH THE CONSULAR OFFICIALS IN THEIR OWN COUNTRY. THE RELEVANT PROVISION OF THE QA DOES NOT ADDRESS THE ISSUE. THE PROBLEM IS THUS NOT ONE OF DIVERGENT INTERPRETATIONS OF THE QA ON THE PART OF ITS SIGNATORIES, BUT WHAT CAN BE VIEWED AS A TECHNICAL PROBLEM TO BE SOLVED BY THE PARTIES CONCERNED. THE PROPOSAL IS A UNILATERAL STATEMENT MADE BY ONE OF THE SIGNATORIES TO THE QA, NOT AN EXCHANGE BETWEEN A SIGNATORY AND A NON-SIGNATORY
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BONN 08039 02 OF 02 290730Z

AND AS SUCH IS A "CLARIFICATION" OF THAT PARTY'S INTERPRETATION. WE RECALL AT LEAST ONE PRECEDENT FOR SUCH A UNILATERAL CLARIFICATION, THE MAY 17, 1972 CONFIDENTIAL LETTER OF THE THREE ALLIED AMBASSADORS TO FOREIGN MINISTER SCHEEL ON THE FEDERAL COURTS IN BERLIN.

9. ACTION REQUESTED: DEPARTMENTAL APPROVAL ON AN URGENT BASIS FOR THE FRG STATEMENT IN PARA 4 SUPRA.
STOESSEL

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DEMARCHE, VISITS, CONSULAR SERVICES, CONSULAR AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 28 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978BONN08039
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780183-0755
Format: TEL
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978047/aaaaaezv.tel
Line Count: 221
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 72a461b2-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 16 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3005843
Secure: OPEN
Status: NATIVE
Subject: PLANNED FRG DEMARCHE DURING BREZHNEV VISIT ON FRG CONSULAR SERVICES FOR WEST BERLINERS BEGIN SUMMARY:
DURING THE BREZHNEV VISIT TO BONN
TAGS: PGOV, CGEN, GE, UR, BQG, (BREZHNEV, LEONID I)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/72a461b2-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014